

November 10, 2010

Dear Members of the GOP Majority Transition Team:

The next days on Capitol Hill will be exciting ones as real, positive change begins to take hold with the arrival of a new class of freshmen who will be the bedrock of the new majority in the 112th Congress.

We became committee chairmen under similar circumstances following the 1994 election, and we were a part of the wave of change that also sought to part from the old ways when a chairmanship meant a job for life.

Now our friend, Joe Barton, finds himself in a similar position. Joe has served one full two-year term in the chair at the Energy and Commerce Committee and is seeking a second term. He was denied the chairmanship when Democrats won the majority in 2006 and held on to it for four years. We believe he deserves that second term now, and that neither the spirit nor the letter of the rule was ever intended to prevent it.

As we understand it, the procedural order for organization following a Republican victory in November will happen quickly. Republicans will convene the week of November 15 to constitute the Steering Committee, adopt new rules, select the Republican leaders, and elect committee chairmen shortly thereafter.

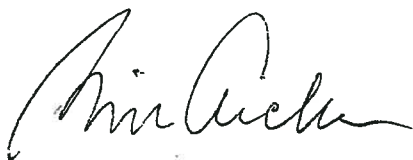
The Republican Conference rule dating to 1993 provides that "No individual shall serve more than three consecutive terms as Chairman or ranking member of a standing, select, joint, or ad hoc Committee or Subcommittee beginning with the 104th Congress."

As you may know, Senate Republicans originally adopted the same ambiguous language and have since clarified it to mean that no one can serve more than six years as Chairman *and* six years as ranking member.

You may have read or heard that Joe is seeking a waiver of the rules in order to serve his second term as chairman of the committee, but no mechanism for granting (or denying) such a waiver exists, and none is required unless the Steering Committee determines that being a ranking member is the same as being chairman, even though we all understand the differences are clearly distinguishable and critical. Moreover, nothing in the rule bars the Republican Leader and/or the Steering Committee from simply clarifying the reality that service as ranking member simply does not equal service as chairman. Chairmen in the 104th Congress became chairmen notwithstanding previous service as ranking members, as the attached chart illustrates. As a matter of fact, we all served as ranking members prior to the adoption of this rule (two of us doing so for three terms), and we all still went on to serve three terms as chairmen without need of any waiver.

Based on our own experience and what we believe is in the best interest of the Republican Party and the country, we strongly recommend that years spent as ranking member should not be counted against years of service as chairman of a committee.

Sincerely,



The Honorable Bill Archer
Former Chairman
Committee on Ways and Means



The Honorable Bud Shuster
Former Chairman
Committee on Transportation
and Infrastructure



The Honorable Don Young
Former Chairman
Committee on Natural Resources

Attachment

Historical Look at the Transition from Ranking Member to Chairman Following Republicans Taking the Majority

	101st (91-92)	102nd (92-93)	103rd (93-94)	Comment	104th (95-96)	105th (97-98)	106 (99-00)
AG	Madigan	Coleman	Roberts		Roberts	Smith	Combest
Approps	Conte	McDade	McDade	McDade retired	Livingston	Livingston	Livingston
HASC	Dickinson	Dickinson	Spence		Spence	Spence	Spence
Banking	Wylie	Wylie	Leach		Leach	Leach	Leach
Budget	Frenzel	Gradin	Kasich		Kasich	Kasich	Kasich
Ed Labor	Goodling	Goodling	Goodling		Goodling	Goodling	Goodling
E & C	Lent	Lent	Moorehead		Bliley	Bliley	Bliley
For Affairs	Brownfield	Brownfield	Gilman		Gilman	Gilman	Gilman
Gov Ops	Horton	Horton	Clinger		Clinger	Burton	Burton
Interior	Young	Young	Young		Young	Young	Young
Transp	Hammerschmidt	Hammerschmidt	Shuster		Shuster	Shuster	Shuster
Rules	Quillen	Solomon	Solomon		Solomon	Solomon	Dreier
Science	Walker	Walker	Walker		Walker	Sensenbrenner	Sensenbrenner
Small Bus	McDade	Ireland	Meyers		Meyers	Talent	Talent
Ethics	Meyers	Hansen	Grandy		Johnson	Hansen	Smith
Veterans	Stump	Stump	Stump		Stump	Stump	Stump
W & M	Archer	Archer	Archer		Archer	Archer	Archer

Committees Eliminated:

Post Office

Dist. Of Columbia

Merchant Marine

Highlighted areas denote Members who served more than three consecutive terms as Ranking Member and Chairman